Rejections Under 35 U.S.C. §102

The Office Action rejected independent claim 1 under 35 U.S.C. 102(b) as being purportedly anticipated by Sahara et al. (U.S. Published Patent Application No. 2002/0063340). Applicants respectfully traverse this rejection.

1. The Office Action has Failed to Establish a *Prima Facie* Case of Anticipation.

"To anticipate a claim, the reference must teach every element of the claim" MPEP ¶2131. The Office Action has failed to establish a *prima facie* case of anticipation because the Office Action has not specified how the Sahara reference describes that "a thickness of the pads, at least at a level of their portions not covered by the passivation layer, is smaller than the thickness of the conductive strips." The Office Action states on page 2 that layers 23, 25 of Sahara are considered to be the "conductive strips," and that layer 22 of Sahara is considered to be the "contact pads" recited in Applicants' claim 1. However, the Office action does not explain why it considers layer 22 of Sahara to have a smaller thickness than layer 23 or 25. The Office Action states: "(e.g., depression in pad portion, 22 not covered; FIG. 4C)" Page 2. Applicants do not understand the meaning of this statement, as the relevance of the "depression" is not explained in the Office Action. It is unclear why a film formed in a depression would somehow have a different thickness from a film that is not formed in a depression. On page 6, the Office Action states: "Because the Sahara discloses center of 22 protruding above the substrate, 14 at a thickness less than e.g., layer 23 ..." Applicants do not understand the meaning of this statement, or the relevance of a "center of 22 protruding above the substrate, 14." Contrary to the Office Action's assertions, FIG. 4C of Sahara shows that layers 22, 23 and 25 have the same thickness. Since the Office Action does not explain why layer 22 of Sahara has a different thickness than layers 23 and 25, no *prima facie* case of anticipation has been established. Therefore, the Final Office Action is improper. If these rejections are to be maintained, Applicants respectfully request that the finality of the Office Action be withdrawn, and a new Office Action be issued that particularly explains how Sahara describes the above claim limitation.

2. Layer 22 of Sahara does not have a different thickness than layers 23 and 25.

As discussed in Applicants' previous response, FIG. 4C of Sahara shows that layer 22 has

the same thickness as layers 23 and 25. The Office Action has provided no rationale or evidence to the contrary, and Office Action's reasoning as to why these layers have a different thickness is unclear. In Applicants' previous response, Applicants pointed out that each of layers 22, 23, and 25 are formed in the same electroplating step (FIGS. 4A-C, ¶¶65-66 of Sahara), and should therefore each have the same thickness. In response, the Final Office Action takes issue with Applicants' use of the word "should" and states that Applicants' argument is mere conjecture. Applicants respectfully disagree and point out that in the semiconductor arts, layers formed in the same way or by the same process steps typically are similarly dimensioned. The above technical reasoning regarding the formation of layers 22, 23 and 25 in the same step has been discussed by Applicants because the Sahara is completely silent as to the relative thickness of layers 22, 23, and 25. The Office Action has not met its burden of explaining why the above thickness limitation is described either expressly or inherently in Sahara. Furthermore, based on FIGS. 4A-C and ¶¶65-66 of Sahara, the Office Action's interpretation is plainly incorrect. In view of the foregoing, the Office Action's reliance on Sahara is improper, and this rejection should be withdrawn.

3. The Claims Distinguish Over Sahara.

By contrast, claim 1 recites, *inter alia*, contact pads, wherein a thickness of the pads, at least at a level of their portions not covered by the passivation layer, is smaller than the thickness of said conductive strips. Sahara does not teach or suggest contact pads that are smaller than the thickness of conductive strips formed in the same metallization level. As discussed above, the Office Action relies upon layers 22, 23 and 25 of Sahara as purportedly having different thicknesses. Applicants respectfully disagree because Sahara is completely silent as to layers 22, 23 and 25 having different thicknesses. To the contrary, FIG. 4C, relied upon in the Office Action, shows that these layers have the same thickness. Indeed, these layers are all formed in the same Cu electroplating step (¶¶65-66). In view of the foregoing, claim 1 patentably distinguishes over Sahara. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 2-7 depend from claim 1 and are therefore patentable for at least the same reasons.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Dated: February 29, 2008

Respectfully submitted,

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